

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

BENJAMIN HULSEY

Plaintiff

v.

AMBER VAN DER RAANDT, ET AL.

Defendants

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Case No. 5:20-cv-00159

ORDER

Plaintiff Benjamin Hulsey, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff was released from confinement on December 29, 2020, and did not notify the Court of his release, nor has he contacted the Court since that time. On August 18, 2021, after learning of Plaintiff's release, the Magistrate Judge issued a Report recommending dismissal of the lawsuit for failure to prosecute. A copy of this Report was sent to Plaintiff at his last known address, return receipt requested, but was returned as undeliverable. Because no objections have been received, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined the Report of the Magistrate Judge is correct. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 9) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. Fed. R. Civ. P. 41(b). It is further

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED this 16th day of September, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE